



START ACTION NOTICE #2018-10

1. TYPE OF ACTION:

Amend 7 **DE Admin. Code** 3511 Summer Flounder Size Limits; Possession Limits; Season.

2. PURPOSE OF ACTION:

This action is to adopt a minimum recreational summer flounder size limit of 16.5 inches (formerly 17 inches), consistent with Addendum XXVIII to the Interstate Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass. The Department previously amended 7 **DE Admin. Code** 3511 *Summer Flounder Size Limits; Possession Limits; Season* to accommodate this change through an emergency action (Secretary's Order 2018-F-0026) pursuant to 29 **Del. C.** § 10119 and 7 **Del. C.** § 903(h) to assure that Delaware's recreational summer flounder fishery resource avoided unnecessary hardship, benefited from a sustainable harvest liberalization and remained competitive with similar fishing resources in New Jersey, Maryland and Virginia.

The Atlantic States Marine Fisheries Commission (ASMFC) and Mid Atlantic Fisheries Management Council extended the regional approach to recreational summer flounder management outlined in Addendum XXVIII to the Interstate Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass through 2018. Addendum XXVIII allows states or regions to develop measures that will achieve the coastwise recreational harvest limit (RHL) of 4.42 M pounds. Based on summer flounder stock status, states or regions may liberalize their 2017 recreational summer flounder regulations to allow for up to a 17% harvest increase in 2018.

By extending the provisions of Addendum XXVIII, Delaware continues to be grouped in a region (DelMarVa) with Maryland and Virginia. The DelMarVa region submitted an analysis to the ASMFC Summer Flounder Technical Committee for a four (4) fish possession limit, a 365-day season and a 16.5-inch minimum size limit that was estimated to result in 16.4% harvest increase. This proposed management strategy was approved by the ASMFC's Management Board.

3. STATUTORY BASIS:

7 **Del. C.** §901 & §903 (a), (b) & (e)

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION?
IF SO, PROVIDE LINK TO FEDERAL MANDATE.

Yes. <http://www.asmfc.org/uploads/file/ACFCMA.pdf>

5. DATE OF MOST RECENT REVIEW/AMENDMENT:

The Tidal Finfish Regulations were most recently amended September 1, 2017.

6. LIKELY AFFECTED PUBLIC:

Recreational summer flounder anglers (private and for-hire) and associated businesses

7. PROPOSED SCHEDULE OF ACTIVITIES:

Register Notice Publication – June 1, 2018

Public Hearing - June 2018

Effective date - September 2018

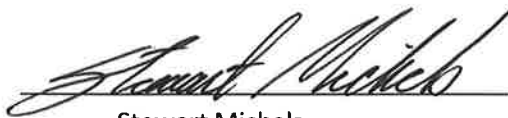
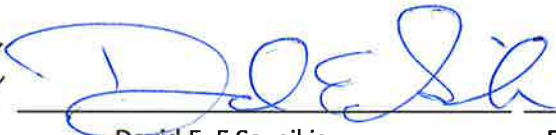

8. REVIEW COMMITTEE:

The Advisory Council on Tidal Fin Fisheries

9. RESPONSIBLE STAFF MEMBER:

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10. APPROVALS:

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